

Executive

27 September 2018

Report of the Corporate Director for Economy and Place

Portfolio of the Executive Member for Transport and Planning

City Centre Access Update and Priority 1 Proposals

Summary

1. This report updates on the decision taken on 8 February, 2018 where the Executive agreed to implement Hostile Vehicle Mitigation measures in the city centre to protect it from the vehicle as a weapon threat. This report provides an update on work undertaken so far and seeks approval to progress priority 1 locations of the programme, not already agreed, to the next stage (see annex A for a map illustrating the location bordered in red).
2. The threat to areas of high footfall remains ever-present with recent vehicle as a weapon attacks in Toronto, Glasgow, Manchester, and the number of attacks in London where in the month of August saw a person planning a vehicle as a weapon attack on Oxford Street convicted and the attack on 14 August in Westminster.
3. Annex E is a letter from the York and Selby Police Area Commander highlighting the threat.

Recommendations

4. That Members:
 - a) Note the update provided in this report.
 - b) To approve option A granting the Corporate Director of Economy and Place delegated powers in consultation with the Executive Member for Transport and Planning to make the experimental traffic regulation order described in the report subject to prior consultation in respect of

practical implementation and potential mitigation measures.

- c) To continue to work with Saint Sampson Centre as well as other groups affected to mitigate the impact of the changes.
- d) To look at restrictions to prevent vehicles remaining in the Priority One zone and bring these proposals to the Executive Member for Transport and Planning for decision.
- e) Members to instruct officers to develop proposals for further phases of city centre security measures to ensure the safety of the city.

Reason: This will allow the initial work started since the 8th February Executive decision, to be taken forward to the next stage on a risk managed approach. This will respond to the Police request to protect areas of high footfall against the threat of a vehicle as a weapon attack.

Background

- 5. On the 8 February 2018 the Executive approved a report and asked officers to work with North Yorkshire Police, York Business Improvement District (BID), Make it York, York Minster and York Racecourse to upgrade existing highway infrastructure and identify additional locations where vehicle restrictions will take precedence over access requirements.
- 6. The focus was to be on areas of high footfall both at York Racecourse and the city centre and to implement hostile vehicle mitigation measures to protect against a vehicle as a weapon attack.
- 7. Since then officers have:-
 - Formed a working group and aligned this programme to the York Counter Terrorism Working Group, which forms the advisory group for this programme. This includes

representatives from York BID, the Minster and the Racecourse as well as the Police and Counter Terrorism Unit.

- Worked with the Racecourse, North Yorkshire Police and Counter Terrorism Unit to develop temporary arrangements for this season at the Racecourse. York Racecourse has led on the temporary measures in consultation with North Yorkshire Police and the Council, which fall under the existing Temporary Traffic Regulation Order used for race days.
- Following police advice, temporary measures in the city centre have been installed, which are similar to those used for the Saint Nicholas Fair in 2017. These will remain until the permanent measures are installed. It should be noted that these temporary measures do not limit vehicle access to the city centre but provide a visual deterrent and slow traffic at the access points on Blake Street and Church Street and reduce the risk of access over the footway into the main paved Parliament Street junction with Coppergate and Piccadilly.
- Researched and procured security consultants specialising in hostile vehicle mitigation with experience of working in an historical context.
- Site visits and assessments to review the city centre and its vulnerabilities have been undertaken that have led to an initial feasibility study being completed which is subject to further refinement and work.
- Devised a proposal to prioritise areas of the city centre to implement an experimental traffic regulation order in line with Executive Members wishes for a scheme that has the minimum disruptive impact on access. See annex B regarding the prioritisation. This experiment will use standard removable bollards to test the traffic impacts of closing the priority area shown in Annex A during foot street hours, with a view to these being installed before the St Nicholas Christmas Fair this year.

- The above experiment will aid in the analysis to determine mitigation solutions to reduce the impacts on access during the footstreet hours and inform the design and implementation work of permanent measures.
- Due to the part time nature of the measures additional traffic regulation controls will be required to prevent vehicles remaining with the Priority Zone, officers will develop proposals and present these to the Executive Member for Transport and Planning for decision.

Analysis

8. The current UK threat level is severe so a prioritised approach is being proposed where the first priority has been identified as the requirement to restrict physical access to York's busiest shopping street and event areas. This includes Parliament Street, St Sampson's Square, High Ousegate and Spurriergate, Coney Street, Davygate, Finkle Street, Church Street and Jubbergate. Other streets leading into these areas will continue to be considered. However at this time remaining streets are considered a lower priority, see annex B.
9. Executive have previously made the decision that hostile vehicle mitigation measures will be installed to protect the city centre from a vehicle as a weapon attack as a priority over accessibility. Therefore, as well as this priority 1 area, other areas of the city centre will continue to be reviewed for the potential installation of further measures and will be brought forward to Executive in the future.
10. There will be opportunities to replace some of the current temporary protection such as those at the end of the paving on Parliament Street with permanent measures more quickly to protect the most vulnerable area without any changes to the traffic regulation orders or impact on the public. Officers will proceed with these interventions under existing officer delegations in consultation with the Executive Member for Transport and Planning.
11. In order to implement the measures proposed in this report, changes to the existing traffic regulation orders are required. The

proposal is to remove access exemptions for all drivers to St Sampson's Square. Thereby restricting access between the current foot street hours 10:30am to 5pm with work to review the installation of a no loading ban around the square that will be signed and no loading ban markings implemented on the kerb, operational only within the foot street hours.

12. In order to trial this proposal it is recommended that an Experimental traffic regulation order is implemented for this area to allow for temporary physical measures to be installed, giving an opportunity for comments from the public to be received and fed back in a later report to Executive in how best to take the permanent restriction forward and any additional mitigation deemed necessary and reasonable. Annex F of this report is a community impact assessment that has been reviewed by officers. However in order to properly assess the impacts of these measures on city centre access this experimental period and consultations are crucial to better understand these impacts. In turn this will highlight what reasonable mitigation measures can be taken forward prior to the rollout of permanent hostile vehicle mitigation measures in the priority 1 area.
13. It should be noted that exclusions similar to those proposed currently happen on a regular basis when events take place in the city where for example St Sampson's Square and Parliament Street are closed for about 100 days per year due to events. This includes 69 main events and a further 30 or so ad-hoc/smaller events such as the carousel and bungee jump activities that take place. These events in turn move the outside cafe tables into the highway around St Sampson's Square preventing safe vehicular access to the area.

It is also noted that the St Sampson's Centre will be impacted on, or rather its customers. In Annex A the blue circles illustrate where new non-security bollards will be installed. Specifically for the area near this Centre a hammerhead arrangement will be configured to allow traffic coming down Church Street to turn and come back up again. However given the size of the dial and ride vehicles, officers will work with the centre and continue to consider other solutions.

14. This report proposes an intervention that has the smallest impact on access into the city centre whilst maximising the physical area

protected. Additionally the experimental nature of the proposals provides an opportunity to test the impacts of vehicular restriction measures. Specifically this will allow officers to test the impacts on current vehicular access during the foot street hours and identify what mitigation measures may be necessary to ensure the successful implementation of hostile vehicle mitigation measures.

15. Due to the likely impacts on disabled blue badge holders, Members may wish to note that the councils Economy and Place Policy Scrutiny Committee is reviewing disabled parking in the city centre and are due to meet on the 18th September at the time of writing this report. It is envisaged they will have disabled community representation to discuss access and mitigation. In turn the committee's findings will help to inform the research of what mitigation may be reasonably available and engage those people most affected and ensure Elected Member involvement.
16. Inevitably there will be a minority of people that will be disadvantaged by these hostile vehicle mitigation measures, which is a consequence of making our city safer by reducing the risk of attack, but officers will work to ensure the impact is mitigated and access to the city centre is provided as best as possible and informed by this experimental period and further consultations.

Communication Plan and consultation

17. The February Executive Decision instructed officers to engage and work with key disabled access stakeholders to review disabled parking within and around the city centre. The reason was to mitigate the potential loss of disabled parking ensuring a safe city centre which is accessible as possible. But the report was also clear that vehicle restrictions will on balance take precedence over access requirements.
18. The Executive decision was that these measures will be rolled out; so the focus of consultation is only regarding the mitigation of the impacts of these measures, not the implementation of these measures or the principle for doing this.
19. Disabled drivers have been a priority group to consult with to find ways to mitigate the impact through representative groups which will help to advise on suitable mitigation measures. Work has been

conducted to review what options may be available or that could be developed to ensure the city centre is accessible as possible, whilst implementing restrictions.

20. In addition the Economy and Place Policy Development Committee has heard from organisations that represent blue badge holders. This meeting was held on the 18th of September 2018, the proposals within this report were presented and organisations presented their thoughts on mitigation. The key themes that emerged from this evidence gathering are listed below. Obviously the consultation and work with these groups will continue going forward:

- The need to undertake the works was recognised.
- The loss and reduction of blue badge parking in Saint Sampson square will impact on blue badge holders.
- Any mitigation needs to be mindful of future phases of restrictions to city centre access.
- The impact will be significant on any disabled residents of streets which are being restricted who may not be able to walk or drive out of the Priority 1 Area.
- The impact on blue badge holders with a mobility issue but without a wheelchair will be considerable.
- The impact of people living in the city centre who may need patient transport.
- Access for wheelchairs needs to be maintained and any measures should not impede wheelchair access. Explore electric wheel chair charging within the city.
- Request to consider additional, possibly dedicated; blue badge parking in the wider area not just Church Street.
- Consider expanding disabled parking in Piccadilly Car Park and expanding shop mobility. But need to be mindful

some disability adapted vehicles are higher vehicles than many car parks allow.

- Concern was raised about the arrangements for turning around vehicles at the bottom of Church Street, particularly large minibuses, and there needs to be some sort of 'escape route' so these vehicles do not have to turn around in narrow streets.
 - Wherever blue badge parking is displaced consideration needs to be given to additional dropped kerbs to facilitate wheelchair access and drop off points e.g. Church Street.
 - York Wheels, Dial a Ride and patient transport could be a solution to increase access to the City Centre priority zone 1 for blue badge holders and disabled residents living in this area if they were permitted access somehow.
 - Willingness from all groups to work with the council to ensure the impacts of any measures are mitigated e.g. textured paving/colour differentials around bollards and these are communicated clearly to different parts of the community. Whilst this will increase street furniture it is also an opportunity to remove some of the other street clutter at the same time.
 - Appreciate that through consultation not every issue will necessarily be resolved, but solutions should be explored.
 - The impact on business and market operations will need to be considered as well.
21. The advice from the Centre for the Protection of National Infrastructure is that whilst the national threat is severe, York can consider a risk based approach to allow essential vehicles into the city centre during operational hours.
22. Other priority groups to consult with include, but not exclusive to:-
- Blue light emergency services,
 - York BID

- Make it York
- Retail Forum
- Healthwatch York
- OCAY (Older Citizens Advocacy York)
- York Blind and Partially Sighted Society
- Disabled Rights UK
- Disabled Motoring UK
- Shopmobility
- York Civic Trust
- Historic England
- York Central MP
- Guildhall Ward Councillors
- York Hotel Association
- Council Waste and Building Services

23. For the purposes of the experimental traffic regulation order, current foot street exemptions will be replicated and the final exemptions list will be determined upon completion of the experimental order to inform the permanent measures and recommendations.
24. It is proposed that an initial pre-implementation consultation, take place on practical implementation and potential mitigation against the impacts of these measures. For clarity the proposed consultation pre-implementation will not be on the decision to implement but as noted above to seek views on practical implementing and potential opportunities for mitigating impacts.
25. The dialogue, as instructed by Members in February, will continue throughout the experimental period and report back to members before a decision about the future.

Options

26. The work proposed is that temporary standard removable bollards will be installed within the area as shown in annex A before the St Nicholas Christmas Fair. Specifically this will be on the corner of St Sampson's Square and Church Street forming a hammer head arrangement which will allow larger vehicles to turn around and back up Church Street, however there may be some fine tuning of this arrangement, which officers will deal with, including how to safely allow Dial a Ride vehicles to enter and exit the area.

27. In addition these bollards will be installed at the exit of Coney Street (St Helen's Square end) all of which will be operated by council staff.
28. This will allow the impact on physically closing this part of the city centre to be monitored and ensure any comments are received to better inform the implementation of permanent measures and any mitigation around these.
29. Costs for the measures and resource to operate these will come from the Built Environment Fund that has been allocated to cover this counter terrorism work where the temporary measures and operation of them will be in the order of £20,000.
30. Due to the decision that protection is a higher priority over access, the options for consideration are based around consultation focusing on mitigating against the impacts of these measures, temporary as well as permanent.
31. **Option A** is first to carry out the limited pre-implementation consultation on mitigation described in paragraph 23 to reduce the impact these measures will have before the experimental traffic regulation order and any physical measures are installed. The period of consultation prior to installation will be up to the 31st October, 2018 in order to help inform the implementation of the experimental traffic regulation order mitigation works prior to the St Nicholas Fair. However earlier consultation with key groups may occur in line with the 8th February Executive decision report. This additional level of consultation to key representative groups, such as York BID, Make it York and blue light services, will help to mitigate initial practical implementation issues prior to installation and ensure the Council is seen to be listening and understanding of the impacts these measures will have.
32. Subject to a delegated officer decision of the Corporate Director for Economy and Place, in consultation with the Executive Member for Transport, the experimental traffic regulation order would then be implemented unless unforeseen physical constraints emerge.
33. **Option B** is to proceed without the initial consultation (as mentioned in Option A) and to give only the standard 2 week public

notice that an experimental traffic regulation order can be implemented. At the same time as commencing this order, a separate consultation with stakeholders and representative groups on the mitigation required to minimise the impact of the permanent measures.

34. Under either option a further formal decision would then need to be taken by Executive on whether to make the order permanent leading to the installation of permanent security rated measures and restrictions across the priority 1 area.
35. In addition a similar experimental period will likely be requested for the other areas of the city centre such as the area around York Minster.
36. **Option A** - the risk is that the consultation about mitigation would inevitably become a consultation about the principle of restricting access which Executive have already determined will be implemented. Therefore accusations of a false consultation may come about however this initial consultation prior to the Experimental traffic regulation order coming into effect, should be welcomed by representative groups which this work will impact on and seen to be at least given them some timely warning that this just being dropped on them as well as allowing them to give views on the practical implementation and any potential mitigation measures. This risk will need to be mitigated by making the terms of the consultation very clear.
37. Option B – This is a marginally quicker proposal and ensures early implementation of physical measures to protect the public. The experimental nature of the traffic regulation order allows an evidence based approach to the mitigation of permanent measures and not raise expectations that, considering the national threat level, any ongoing general vehicular access will be an option. This will inform a measured installation with reasonable mitigation measures to help provide access to the city centre as best as possible for those whom these permanent measures will impact on.
38. Officer recommendation is that Option A is the best option, which is supported by the York Counter terrorism group (see annex C). However this is a matter of judgment on risk, the balance of rights and public protection and both the physical and reputational

impacts given the severity that a successful vehicle as a weapon attack would have in a high footfall area.

Council Plan

39. This report is supportive of the following priorities in the Council plan in addition to the One Planet York principles the Council champions:
- A focus on frontline services
 - A Council that listens to residents

Implications

40. The following are the identified implications.

- **Financial** – It is anticipated that the final measures will have significant costs associated with them both from their installation and supporting systems and resources to operate and maintain them. This may exceed the Built Environment Fund allocation but this is yet to be determined. Therefore the proposed Experimental traffic regulation order and temporary vehicular access measures with a cost estimated in the order of £20,000, which will allow the impact city centre traffic to be assessed before significant funds, are expended on permanent measures. This includes the implementation of standard drop in and lift out bollards, 0.5FTE at a grade 5 level and administrative costs to implement the experimental order.

Depending on the detailed work the number of bollards may vary but by way of an indication, each standard bollard is £600, which includes installation. In turn the number of bollards will have a resource impact to lift out and put these back in. This will likely be up to 0.5FTE in the city centre Street Scene team. It has been formally approved that the Built Environment Fund will be used to help fund the works and the temporary measures will be funded from this budget.

Further detail of the costs of the permanent measures will be provided prior to the decision on whether to make the experimental traffic regulation order changes permanent in a later report.

- **Human Resources** – some monitoring and control of the measures may be required and the experimental traffic regulation order proposals will allow for the permanent resource requirements to be assessed.
- **Equalities** – An initial Community Impact Assessment has been completed highlighting the access issues to the priority 1 area and St Sampson’s Centre. This is inline with the Council’s legal requirements under Section 149 of the Equality Act 2010.

In respect of the immediate decision on balance due to the experimental time limited nature of the proposal, the limited intervention and the overarching responsibility of the Council to protect life is considered a proportionate approach. This is further supported by the fact that the physical interventions are already used for approximately 100 days per annum already.

As a result of the temporary nature of the proposed traffic regulation order officers will be able to develop the existing Community Impact Assessment with further evidence before measures are made permanent, for Members to consider.

- **Legal** – The Council has powers under the Road Traffic Regulation Act 1984 to make traffic orders for “avoiding or reducing, or reducing the likelihood of, danger connected with terrorism”. Experimental orders may be made for the same reason.

Members are well aware of their general public law duties when exercising decision making powers and in particular are aware of their responsibilities under the Equality Act 2010 to have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:

- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c. Foster good relations between people who share a protected characteristic and those who do not.

The Act explains that having due regard for advancing equality involves:

- a. Removing or minimising disadvantages suffered by people due to their protected characteristics.
- b. Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- c. Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low

The CIA annexed to the report sets out the key equalities implications of the proposal and the report itself describes the balancing exercise undertaken by Officers. Members must consider these implications in line with the duties described above.

In relation to the proposed consultation there are some key principles which must be observed. Most importantly:

- There must be clarity as to the scope of the consultation. It will therefore be important that the limited scope described in the report is made absolutely clear to consultees.
- It must be carried out while proposals are still at a formative stage so that responses can influence the outcome
- Responses must be taken into account in reaching a final decision
- **Crime and Disorder** - These measures aim to deter and prevent vehicular access during the agreed hours in the interests of public safety from the vehicle as a weapon threat.
- **Information Technology (IT)** – Investment in IT to remotely operate some of these measures will be required.
- **Property** - There are no property implications for this report or its recommendations but there may be a planning review and permission requirement.
- **Risk Management** – This programme is tasked with delivering suitable measures to protect areas of high footfall, namely the city centre and York Racecourse, against the threat of a vehicle as a

weapon and the risk to public safety based on Police, consultant and security services advice.

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**Report
Approved**



Date 13.08.18

Wards Affected: Guildhall

All

For further information please contact the author of the report

Background Papers:

[8 February, 2018, Executive report and minutes](#) that agreed to the implementation of the hostile vehicle mitigation measures in the city centre.

Annexes

- Annex A – City Centre map showing the Priority 1 area
- Annex B – Short report covering the threat, list of prioritised city centre areas and supporting information
- Annex C – York Counter Terrorism Task Group endorsement
- Annex D – Communications Plan
- Annex E – Letter from the York and Selby Police Area Commander
- Annex F - Community Impact Assessment - city centre priority 1 area